

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREW STEVEN GRAY,)	
)	
Petitioner,)	CASE NO. C10-2045-MJP-MAT
)	
v.)	
)	ORDER DENYING MOTION FOR
MARIAN FEATHERS, <i>et al.</i>)	APPOINTMENT OF COUNSEL AND
)	GRANTING EXTENSION OF TIME
Respondent.)	
_____)	

This is a federal habeas action brought under 28 U.S.C. § 2241. This matter comes before the Court at the present time on petitioner's motion for appointment of counsel and for an extension of time. The Court, having reviewed petitioner's motion, and the balance of the record, does hereby find and ORDER as follows:

(l) Petitioner's motion for appointment of counsel (Dkt. No. 12) is DENIED. There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2241 unless an evidentiary hearing is required. *See Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1991). The Court may exercise its discretion to appoint counsel for a financially eligible individual where the "interests of justice

01 so require." 18 U.S.C. § 3006A. Nothing in the record at this point suggests that an
02 evidentiary hearing will be required to resolve petitioner's federal habeas claim or that the
03 interests of justice will be best served by appointment counsel.

04 (2) Petitioner's motion for an extension of time is GRANTED. Petitioner requests
05 that he be granted additional time to file a response to respondent's answer so that his appointed
06 counsel will have time to become familiar with the case. Though the Court has denied
07 petitioner's request for appointment of counsel, the Court nonetheless deems it appropriate to
08 allow petitioner a brief period of additional time to prepare and file a response on his own
09 should he elect to do so. Accordingly, petitioner may file and serve a response to respondent's
10 answer not later than **May 9, 2011**.

11 (3) This matter is RE-NOTED on the Court's calendar for consideration on **May 13,**
12 **2011**. Respondent shall file any reply brief by that date.

13 (4) The Clerk shall direct copies of this Order to petitioner, to counsel for
14 respondent, and to the Honorable Marsha J. Pechman.

15 DATED this 4th day of April, 2011.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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